

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL PAUL MASON,

Applicant,

vs.

Civil No. 08-665 JH/RHS

ERASMO BRAVO, et al.,

Respondents.

ORDER OF DISMISSAL

THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD"), filed March 24, 2010 [**Doc. No. 11**]. Applicant filed objections to the PFRD on April 13, 2010. (See Objections to PFRD ("Objections") [**Doc. No. 12**]). In essence, Applicant argues that his application should not be denied as time-barred because he did not know about the one year limitations period set forth in the Antiterrorist and Effective Death Penalty Act of 1996 ("AEDPA"). However, Applicant's "allegations regarding his ignorance of AEDPA are inadequate" to justify equitable tolling. Fisher v. Jordan, 16 Fed.Appx. 918, 920 (10th Cir. Aug. 9, 2001) (unpublished); see also Felder v. Johnson, 204 F.3d 168, 169 (5th Cir. 2000) (holding that petitioner's "alleged unawareness of AEDPA's requirements . . . due to inadequacies of his prison's library" was "clearly insufficient to warrant equitable tolling") (cited in Fisher, 16 Fed.Appx. at 920). Having reviewed the PFRD and having considered *de novo* those portions of the PFRD to which Applicant objects, the Court will adopt the proposed findings of the Magistrate Judge. Accordingly, Applicant's application for a writ of habeas corpus will be denied and this civil proceeding will be dismissed with prejudice.

WHEREFORE,

IT IS ORDERED that the proposed findings of the United States Magistrate Judge [Doc. No. 11] are adopted by the Court;

IT IS FURTHER ORDERED that the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody [Doc. No. 1] is **DENIED** and this civil proceeding is **DISMISSED** with prejudice; and

IT IS FURTHER ORDERED that any pending motions are **DENIED** as moot.



UNITED STATES DISTRICT JUDGE